

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MARQUEN SMART,
Plaintiff,**

CIVIL ACTION

v.

**ALLSTATE INSURANCE COMPANY,
Defendant.**

NO. 21-3910

ORDER

AND NOW, this 12th day of January, 2023, upon consideration of Defendant Allstate Insurance Company's Motion for Partial Summary Judgment (ECF No. 34), Plaintiff Marquen Smart's Response in Opposition thereto (ECF No. 35), and Defendant's Reply (ECF No. 36),¹

IT IS HEREBY ORDERED that the Motion is **DENIED**.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.

¹ Plaintiff filed a sur-reply brief at ECF No. 37 without, in accordance with the Court's Policies and Procedures, first requesting permission from the Court and showing good cause. It was therefore not considered in the disposition of this Motion.